

Message Text

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PAGE 01 CANBER 05785 040839Z

20

ACTION DLOS-07

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01 ISO-00

CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00 NSC-07

PA-04 PRS-01 SP-03 SS-20 USIA-15 CG-00 FEA-02 AID-20

CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04

SCI-06 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 CIEP-03 CEA-02 TRSE-00 OIC-04 DRC-01

/297 W

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P 040745Z SEP 74

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC PRIORITY 4017

INFO AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMCONSUL PORT MORESBY

AMEMBASSY SUVA

AMEMBASSY WELLINGTON

CINCPAC

UNCLAS CANBERRA 5785

CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PLOS, AS

SUBJECT: PROPOSED INTERIM LEGISLATION ON

DEEP SEABED MINING AND 200- MILE

FISHERS ZONE

REF A) STATE 193106 (NOTAL)

B) STATE 193107 (NOTAL)

1. SUMMARY:

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EMBASSY RECEIVED REFTELS MID-AFTERNOON SEPT 5 LOCAL

TIME AND IS, THEREFORE, UNABLE TO MEET DEADLINE SPECIFIED
REF A TRANSMISSION OF VIEWS GIVEN BELOW. ON ASSUMP-
TION CONGRESSIONAL TESTIMONY REFERRED TO PARA 6, REF B,
MAY BE DELAYED AND THAT RESPONSE MAY BE USEFUL IN ANY
CASE, FOLLOWING COMMENTS ARE OFFERED. END SUMMARY

2. EMBASSY AGREES WITH ASSESSMENT OF US DELEGATION ON
SENSITIVITY OF THESE TWO MATTERS BY THEMSELVES AS WELL
AS IN CONTEXT OF LOS NEGOTIATIONS. AUSTRALIA HAS HUGE
CONTINENTAL SHELF AND HAS SHOWN OVER TIME A GREAT
INTEREST IN PROBLEM OF FISHING IN AUSTRALIAN COASTAL
WATERS BY FOREIGN VESSELS. GOA HAS IN FACT ALREADY
NEGOTIATED AGREEMENT DEFINING BORDER BETWEEN AUSTRALIA
AND INDONESIA (AND PAPUA NEW GUINEA) RELATED TO SEVED
EXPLOITATION. AUSTRALIAN PUBLIC VESSELS ALSO CONTINUE
TO -ARREST" FOREIGN FISHING VESSELS WHICH VENTURE INTO
AUSTRALIAN TERRITORIAL WATERS. BOTH SUBJECTS, THEREFORE,
ARE NOT ONLY KEENLY ASSESSED BY GOVERNMENTAL AUTHORITIES,
BUT AUSTRALIAN PUBLIC AS WELL IS FREQUENTLY MADE AWARE
OF GOVERNMENT'S CONCERN WITH REGARD TO THESE TWO MATTERS
IN PUBLIC MEDIA.

3. INFORMATION THAT TWO BILLS REFERRED TO REF B ARE
BEING CONSIDERED BY US CONGRESS WILL UNDOUBTEDLY RAISE
AUSTRALIAN INTEREST ABOUT POSSIBILITY OF THEIR EVEN-
TUAL ENACTMENT. WE ASSUME KNOWLEDGE THAT BILLS ARE TO
BE CONSIDERED BY BOTH HOUSES OF US CONGRESS CANNOT BE
KEPT FROM THE PUBLIC DOMAIN FOR VERY LONG. BASED ON
PAST CONVERSATION WITH AUSTRALIAN OFFICIALS, THEY WILL
BE MUCH INTERESTED IN KNOWING DETAILS OF THE BILLS AND
TO WHAT EXTENT SIMILAR LEGISLATION IF ENACTED IN AUSTRALIA
WOULD BE ACCEPTABLE TO AUSTRALIAN PUBLIC. DESPITE SAVING
CLAUSES IN THE BILLS WHICH RELATE THEM TO LOS NEGOTIATIONS
AND PROPOSED LOS TREATY, IT PPEARS LIKELY THAT MERE
PRESENTATION OF BILLS IN US CONGRESS WILL ENCOURAGE GOA TO
PURSUE LIKE-MINDED LEGISLATION OF ITS OWN. IF THIS
SHOULD OCCUR, WE WOULD HARDLY BE IN A POSITION TO COMPLAIN
TO AUSTRALIAN AUTHORITIES ABOUT SUCH LEGISLATION, IN THE
ABSENCE OF OTHER POSSIBLY MITIGATING FACTORS OF WHICH THE
EMBASSY IS UNWARE.

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4. ANY AUSTRALIAN LEGISLATION ON THESE TWO MATTERS
WOULD HAVE TO BE CAREFULLY VETTED WITH AUSTRALIAN STATE
GOVERNMENTS. DIVIDED RESPONSIBILITY FOR POSSIBLE SEBED
EXPLOITATION IS STILL A POINT OF MAJOR CONTROVERSY
BETWEEN STATE AND FEDERAL AUTHORITIES HERE, EVEN THOUGH
PRACTICAL ACCOMMODATION HAS BEEN MADE IN PAST WITH
PRACTICAL SOLUTIONS REVENUE FROM EXPLOITATION IS SHARED

BETWEEN STATE AND FEDERAL GOVERNMENTS.

5. IN SUM, AUSTRALIAN GOVERNMENT HAS ALREADY SHOWN
SOME INDEPENDENCE IN DEALING NATIONALLY WITH LOSE MATTERS
LIKE SEBED BOUNDARY WITH INDONESIA AND POSSIBLY BY ITS
SUPPORT OF NATIONAL RULES GOVERNING POLLUTION. EMBASSY
BELIEVES GOA WOULD BE ENCOURAGED TO DO LIKEWISE WITH
REGARD TO FISHING AND DEEP SEBED MINING, SHOULD IT
APPEAR THAT US LEGISLATION WILL BE ENACTED ON THESE TWO
SUBJECTS. IT IS USEFUL TO REMEMBER THAT UNDER AUSTRALIAN
SYSTEM, AUSTRALIAN ENACTED BY PARLIAMENT TAKES
PRECEDENCE OVER INTERNATIONAL AGREEMENTS. AUSTRALIAN
LEGISLATION THEREFORE WOULD NOT CONTAIN SAVING CLAUSES
WHICH ARE POSSIBLE IN US LEGISLATION.
GREEN

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